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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of: John L. Sims

Docket No.: 0315-C

Serial No.: 09/965,640

Group Art Unit: 1646

Filing Date: September 27, 2001

Examiner: Chernyshev, Olga

For: IL-1 DELTA DNA AND POLYPEPTIDES

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Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

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MAR 08 2004

**INFORMATION DISCLOSURE STATEMENT AFTER FINAL ACTION**

Dear Sir:

Pursuant to the duty of disclosure as set forth in 37 C.F.R. §1.56 and §1.97, applicant hereby discloses published material known to him which may be material to the patentability of this invention. The published material is listed on the attached copy of Form PTO-1449. Copies of the material are not enclosed as they were previously sent to the Examiner as Exhibits 1, 2, 4, 5 and 6 with the Response and Amendment A, filed on June 4, 2003. It is respectfully requested that these documents be (1) fully considered by the Examiner during the course of the examination of the application, (2) listed on the "Notice of References Cited" in this application, and (3) printed on any patent issuing from this application.

Applicants submit that the claims of this application are directed to subject matter which is patentably distinct from the disclosures of the above-cited references. The above-cited documents, made of record by the applicant herein, do not render unpatentable, either alone or in combination, the claims of the subject application. As to any material supplied, applicant does not admit that it is prior art under 35 U.S.C. § 102 or 103, and specifically reserve the right to antedate any such material, as by a showing under 37 C.F.R. § 131 or by another method.

The undersigned certifies that publication listed in the attached Information Disclosure Statement was not cited in a communication from a foreign patent office in a counterpart foreign application nor, to her knowledge after making reasonable inquiry, known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Information Disclosure Statement  
February 26, 2004

0315-C  
09/965,640

The above-cited references are submitted under §1.97(c) and accompanied by the fee of \$180 as set forth in §1.17(p). The Commissioner is authorized to charge the \$180 fee and any other fees which may be required to Deposit Account No. 09-0089. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



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<b>Form PTO-1449</b> <small>PATENT &amp; TRADEMARK OFFICE</small> DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				ATTORNEY DOCKET NO. 0315-C	SERIAL NO. 09/965,640	
				APPLICANT John E. Sims		
				FILING DATE September 27, 2001	GROUP 1646	
INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>						
U.S. PATENT DOCUMENTS						
EXAMINER		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS
						FILING DATE IF APPROPRIATE
						<b>RECEIVED</b>
						MAR 08 2004
FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS
						TRANSLATION YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
C1	Debets R., et al., "Two Novel IL-1 Family Members, IL-1 $\delta$ and IL-1 $\epsilon$ , Function as an Antagonist and Agonist of NF- $\kappa$ B Activation Through the Orphan IL-1 Receptor-Related Protein 2 <sup>1</sup> ," <i>J. Immunol.</i> 167:1440-1446, 2001.					
C2	Smith D.E., "Four New Members Expand the Interleukin-1 Superfamily," <i>J Biological Chem.</i> , 275(2):1169-1175, 2000.					
C3	Evans R.J., et al., "Mapping Receptor Binding Sites in Interleukin (IL)-1 Receptor Antagonist and IL-1 $\beta$ by Site-directed Mutagenesis," <i>J Biological Chem</i> 270(19):11477-11483, May 1996.					
C4	Vigers GPA, et al., "Crystal structure of the type-I interleukin-1 receptor complexed with interleukin-1 $\beta$ ," <i>Nature</i> 386:190-194, Mar 1997.					
C5	Schreuder H., et al., "A new cytokine-receptor binding mode revealed by the crystal structure of the IL-1 receptor with an antagonist," <i>Nature</i> 386: 194-200, Mar 1997.					
EXAMINER						
<small>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>						